

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILBERT NAPOLEON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No.: 2:24-CV-00186-BJR

**JOINT MOTION TO CONSOLIDATE
AND ORDER**

JOINT REQUEST TO CONSOLIDATE THE RELATED ACTIONS

Pursuant to Federal Rule of Civil Procedure 42(a), all parties in this action and the actions entitled *Gianne v. Amazon.com, Inc.*, No. 2:24-cv-309-BJR and *Peterson v. Amazon.com, Inc.*, No. 2:24-cv-364-BJR (together the “Related Actions”) have conferred through counsel and jointly and respectfully request that the Court consolidate the Related Actions into a single consolidated action.

Under Rule 42(a), “[i]f actions before the court involve a common question of law or fact, the court may ... consolidate the actions.” Fed. R. Civ. P. 42(a). Once a court identifies a common question of law or fact, it generally weighs “the savings of time and effort consolidation will produce against any inconvenience, delay, confusion, or prejudice that may result.” *Rittmann v. Amazon.com, Inc.*, No. C16-1554-JCC, 2019 WL 2994634, at *1 (W.D. Wash. July 9, 2019).

Here, the Parties agree that the Related Actions should be consolidated because they involve the same defendant (Amazon) and overlapping factual and legal issues. Plaintiffs in the

Related Actions each allege that Amazon breached the contract with its annual Amazon Prime subscribers when it allegedly raised the price by an additional \$2.99 per month for Prime Video — one of the benefits of Amazon Prime — during the contract period. Plaintiffs in the Related Actions assert overlapping legal claims, asserting that Amazon’s conduct with respect to Prime Video constitutes a breach of contract and breach of the implied covenant of good faith and fair dealing, and violates the Washington Consumer Protection Act and other state consumer protection statutes. There is also substantial overlap across the proposed classes in the Related Actions, which all include customers who purchased annual Amazon Prime subscriptions. Given the common defendant and significant overlap in factual and legal issues, the interests of judicial economy support consolidation of the Related Actions.

PROPOSED NEXT STEPS

The Parties respectfully request that the Court (i) consolidate the Related Actions and any pending or future related actions in this District relating to an alleged price increase for Prime Video and/or the inclusion of advertising content with Prime Video, (ii) order Plaintiffs in the Related Actions to file a consolidated amended complaint, (iii) designate this action, the first-filed of the three Related Actions, as the main docket for the consolidated action, and (iv) vacate any prior scheduling orders and initial deadlines in each of the Related Actions. The Parties also respectfully request that Court enter the following case schedule in the consolidated action:

| Event | Deadline |
|--|---|
| Deadline for Plaintiffs’ counsel in the Related Actions to file cross-motions seeking appointment as interim class counsel, pursuant to Fed. R. Civ. P. 23(g)(3) | 14 days after the Court’s order on consolidation |
| Deadline to file a Consolidated Amended Complaint (“CAC”) | 30 days after the order appointing lead interim class counsel |
| Deadline for Amazon to respond to the CAC | 30 days after the CAC is filed |

1 Dated: April 26, 2024

Respectfully submitted,

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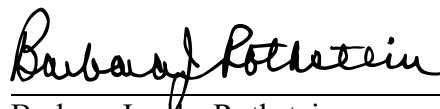
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IT IS SO ORDERED.

DATED this 13th day of May, 2024.



Barbara Jacobs Rothstein
U.S. District Court Judge

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